

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AMANDA NICOLE MICHALSKI,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

NORBERT MICHALSKI,

Respondent-Appellant.

UNPUBLISHED
December 26, 2000

No. 225910
Macomb Circuit Court
Family Division
LC No. 97-045003-NA

Before: Sawyer, P.J., and Jansen and Gage, JJ.

PER CURIAM.

Respondent-appellant father appeals as of right from an August 5, 1999, order of the family court terminating his parental rights to the child pursuant to MCL 712A.19b(3)(a)(ii) [desertion], (c)(i) [conditions leading to adjudication continue to exist and no reasonable likelihood that the condition will be rectified within a reasonable time considering the child's age], and (g) [failure to provide proper care or custody]; MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), and (g). We affirm.

Respondent's sole contention on appeal is that the family court clearly erred in terminating his parental rights because the statutory bases for termination were not supported by clear and convincing evidence. Although only one statutory basis must be proven by clear and convincing evidence to support termination, MCL 712A.19b(3); MSA 27.3178(598.19b)(3), we find that all three statutory bases were established by clear and convincing evidence. The child was initially taken into custody in October 1997 because the mother attempted suicide. Respondent admitted that he had no contact with the child in 1998 because of outstanding arrest warrants, and he was incarcerated in the Macomb County jail from January 1999 until July 1999. At no time between May 1998 (when respondent pleaded no contest to the amended petition) and July 1999 did respondent have any contact with, much less seek custody of or care for, the child. Further, respondent did not comply with any aspect of the parent-agency agreement.

Consequently, we find that the court's findings and decision to terminate parental rights are not clearly erroneous. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).¹

Affirmed.

/s/ David H. Sawyer

/s/ Kathleen Jansen

/s/ Hilda R. Gage

¹ We note that respondent does not challenge the best interest finding under MCL 712A.19b(5); MSA 27.3178(598.19b)(5). In fact, the referee went beyond the statutory requirement by affirmatively finding that termination of parental rights was in the child's best interests. *Trejo*, *supra*, p 357. We would agree with a finding that there is not clear evidence on the whole record that termination was clearly not in the child's best interests.